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Department of State

2/22/82

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INCOMING
TELEGRAM

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GENEVA 02871 01 OF 03 221643Z

2264

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INFO OCT-81 AF-10 ARA-11 EA-10 EUR-12 MEA-06 ADS-00
NA-05 SR-04 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSD-00 ICAE-00 INRE-00 PH-05 H-01 INR-10 I-03
PA-01 SP-02 SS-15 /111 W

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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 2007
INFO AMEMBASSY BUENOS AIRES IMMEDIATE

SECTION 01 OF 03 GENEVA 02871

FOR MAYNES, DERIAN, BOWDLER; PASS TO NSC - BLOOMFIELD

E.O. 12065: GDS 2/22/86 (HELMAN, GERALD B.) OR-H
TAGS: UNHRC, SHUM, AR
SUBJECT: UNHRC: ARGENTINE REJECTION OF DISAPPEARED
- PROCEDURE

REF: A) GENEVA 2569 AND GENEVA 2719;
- B) GENEVA 1975

1. [REDACTED] ENTIRE TEXT.)

2. THE WEO'S HAVE MADE EVERY EFFORT TO PROCEED MODER-
ATELY WITH THE GOA IN WORKING TOWARD THE ESTABLISHMENT
OF A PROCEDURE ON DISAPPEARED. AS REPORTED REFS, WEO'S
CHOSE TO DISCUSS THEIR DRAFT RESOLUTION FIRST WITH
ARGENTINA AND SEEK AN AGREEMENT. WEO'S FURTHERMORE DID
NOT HAVE ANY INTENTION OF SINGLING OUT ARGENTINA OR OF
TAKING ANY STRONGER MEASURES IF A GENERAL PROCEDURE
COULD BE WORKED OUT. STRONGER MEASURES CONSIDERED
INCLUDE: REVIVING LAST YEAR'S WEO'S RESOLUTION SPECI-
FICALLY ON ARGENTINA (WITH A VIEW TO OBTAINING GENERAL
PROCEDURE); OPENLY SETTING FORTH THE ARGENTINE RECORD ON
DISAPPEARANCES IN THE DEBATE; CONDUCTING A STRONG LOBBY-
ING EFFORT TO COUNTER ARGENTINE EFFORTS, INCLUDING
DEMARCHES ON CAPITALS.

3. HOWEVER, ARGENTINE DEL HAS REJECTED WEO DRAFT
ON DISAPPEARED AND INFORMED WEO'S IT WILL REJECT
ANY SPECIAL PROCEDURE TO DEAL WITH DISAPPEARED.
OTHER DELS ADVISE US OF STRONG LOBBYING EFFORTS BY
GOA EVEN DURING OUR NEGOTIATIONS WITH THEM.

4. IN THE NEGOTIATIONS WITH WEO'S, THE ARGENTINES
WERE REPRESENTED BY THEIR AMBASSADOR IN GENEVA AND
THEIR AMBASSADOR AT THE HRC. WEO'S WERE AMBASSADOR
BEAULNE (CANADA), DUTCH AMBASSADOR TO UN (GENEVA),
AND FRENCH REP TO HRC WHO SERVES AS CHAIRMAN OF WEO'S
(SOYER).

5. ARGENTINA GENERALLY HAS TRIED TO OBSTRUCT PRO-
GRESS ON OTHER IMPORTANT HUMAN RIGHTS ISSUES OF
INTEREST TO THE U.S. REF B OUTLINES EARLIER ARGENTINE
OBSTRUCTION OF TORTURE CONVENTION AS WELL AS ARGENTINA'S
NO VOTE ON THE SAKHAROV TELEGRAM AND PARTIAL VOTE
AGAINST CAMP DAVID ACCORDS. SINCE THEN, ARGENTINA HAS
BEEN A PRIMARY OBJECTOR IN THE WORKING GROUP ON THE
CONVENTION ON TORTURE, AND IN WORKING GROUP ON RELIGIOUS
INTOLERANCE HAS BEEN ACTIVELY COOPERATING WITH THE
SOVIET BLOC TO OBSTRUCT PROGRESS.

6. THE WEO GROUP PLANS TO CO-SPONSOR WEO RESOLUTION
ON DISAPPEARED, TO BE TABLED FEBRUARY 22 OR 25.
THE HRC SHOULD BEGIN CONSIDERATION OF THE ITEM ON
DISAPPEARANCES BEGINNING FEBRUARY 22.

7. ARGENTINA CONTINUES TO LOBBY STRENUOUSLY AGAINST
WEO RESOLUTION AND ANY EFFECTIVE PROCEDURE ON
DISAPPEARED. UNDER THE CIRCUMSTANCES WEO'S ARE
CONSIDERING PROCEEDING TO STRONGER MEASURES. FOR
THE TIME BEING, WE BELIEVE OUR PRESENT INSTRUCTIONS
ARE SATISFACTORY AND SHOULD ENABLE US TO CONTRIBUTE
CONSTRUCTIVELY TO THE JOINT WEO EFFORT.

8. WEO GROUP IS ASSIGNING LOBBYING EFFORTS TO ACHIEVE
SUPPORT FOR AN EFFECTIVE INTERNATIONAL PROCEDURE TO
DEAL WITH DISAPPEARED. THE GOVERNMENTS ASSIGNED TO
U.S. ARE PANAMA, PHILIPPINES, PAKISTAN, EGYPT, AND
COSTA RICA. THE URGENCY FOR THE ESTABLISHMENT OF A
PROCEDURE IS UNDERLINED BY THE FACT THAT THE UN HUMAN
RIGHTS DIVISION (ACCORDING TO ONE OF ITS OFFICIALS)
NOW HAS DATA ON SOME 27,000 CASES OF DISAPPEARED.
THE FOLLOWING IS THE FINAL TEXT OF THE RESOLUTION
BEING PROPOSED BY THE WEO'S WHICH SHOULD BE RAISED
WITH THE CAPITALS OF THE COUNTRIES TO WHICH WE ARE
ASSIGNED. (TALKING POINTS FOLLOW.)

9. BEGIN TEXT: QUESTION OF MISSING OR DISAPPEARED
PERSONS

BEARING IN MIND GENERAL ASSEMBLY RESOLUTION 33/173 OF
20 DECEMBER 1978, WHICH REQUESTED THE COMMISSION ON
HUMAN RIGHTS TO CONSIDER THE QUESTION OF DISAPPEARED
PERSONS WITH A VIEW TO MAKING APPROPRIATE RECOMMENDA-
TIONS,

TAKING INTO ACCOUNT RESOLUTION 1979/38 OF THE ECONOMIC
AND SOCIAL COUNCIL, WHICH REQUESTED THE COMMISSION TO
CONSIDER THE QUESTION AS A MATTER OF PRIORITY, AND
RESOLUTION 58 (XXXII) OF THE SUB-COMMISSION ON PREVEN-
TION OF DISCRIMINATION AND PROTECTION OF MINORITIES,

Argentina

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

☒ Release ☐ Excise ☐ Deny

Exemption(s):

Declassify: ☐ In Part ☒ In Full

☐ Classify as ☐ Extend as ☐ Downgrade to
Date _____ Declassify on _____ Reason _____

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BOX 8114 (2/21)

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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2308

INFO AMEMBASSY BUENOS AIRES IMMEDIATE

SECTION 02 OF 03 GENEVA 02871

FOR HAYNES, DERIAN, BOWDLER; PASS TO NSC - BLOOMFIELD

CONVINCED THAT THE ELIMINATION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES REQUIRES A SYSTEMATIC EFFORT ON THE PART OF THE INTERNATIONAL COMMUNITY AND ON THE PART OF GOVERNMENTS,

1. INVITES THE SECRETARY-GENERAL TO APPOINT, IN CONSULTATION WITH ITS CHAIRMAN, THREE EXPERTS OF INTERNATIONAL STANDING IN THEIR INDIVIDUAL CAPACITIES, TO STUDY AND EXAMINE REPORTS OR INFORMATION WHICH COME TO THEIR ATTENTION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES OF PERSONS IN ANY PART OF THE WORLD;
2. REQUESTS THE EXPERTS TO SEEK INFORMATION, AS THEY MAY DEEM APPROPRIATE, CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES OF PERSONS FROM GOVERNMENTS AND THE FAMILIES CONCERNED, AND TO TAKE APPROPRIATE ACTION, IN CONSULTATION WITH THE GOVERNMENTS CONCERNED, TO PROMOTE THE IMPLEMENTATION OF THE PROVISIONS OF GENERAL ASSEMBLY RESOLUTION 33/173 AND OTHER UN RESOLUTIONS RELEVANT TO THE PLIGHT OF MISSING OR DISAPPEARED PERSONS.
3. DECIDES THAT THE EXPERTS MAY ADOPT THEIR OWN WORKING METHODS, BEARING IN MIND THE NEED FOR URGENCY AND PROMPTNESS AS WELL AS FOR FLEXIBILITY OF ACTION;
4. INVITES THE EXPERTS TO SUBMIT TO THE COMMISSION AT EACH SESSION A REPORT ON THEIR ACTIVITIES, TOGETHER WITH THEIR CONCLUSIONS AND RECOMMENDATIONS;
5. REQUESTS ALL GOVERNMENTS, SPECIALIZED AGENCIES, REGIONAL INTERGOVERNMENTAL ORGANIZATIONS AND NON-GOVERNMENTAL ORGANIZATIONS TO CO-OPERATE WITH AND ASSIST THE EXPERTS IN THE PERFORMANCE OF THEIR TASKS;
6. FURTHER REQUESTS GOVERNMENTS, UPON THE REQUEST OF THE EXPERTS:

A) TO INFORM THE EXPERTS WITHOUT DELAY OF CASES OF DISAPPEARED PERSONS WHO HAVE BEEN ABDUCTED OR ARRESTED BUT WHERE THE AUTHORITIES ARE UNABLE TO LOCATE THEM EITHER IMMEDIATELY OR FOLLOWING A BRIEF INVESTIGATION, OR OF CASES OF DISAPPEARED PERSONS PRESUMED TO HAVE BEEN THE SUBJECT OF SUCH ACTS;

B) TO REPORT TO THE EXPERTS WITHOUT DELAY UPON ANY FACTS ESTABLISHED AND ON ANY PROGRESS MADE AND CONCLUSIONS DRAWN IN THE COURSE OF INVESTIGATIONS OPENED IN CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

7. ALSO REQUESTS GOVERNMENTS, WHEN THEY ARE PRESENTED WITH RELIABLE REPORTS ON CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCES, TO UNDERTAKE SPEEDY AND IMPARTIAL INVESTIGATIONS INTO THE WHEREABOUTS OR FATE OF THE

DISAPPEARED AND THE IDENTITY OF THE ABDUCTORS;

8. URGES THE SECRETARY-GENERAL TO CONTINUE TO USE HIS GOOD OFFICES IN CASES OF ENFORCED OR INVOLUNTARY DISAPPEARANCES OF PERSONS;

9. FURTHER REQUESTS THE SECRETARY-GENERAL TO PROVIDE ALL NECESSARY ASSISTANCE TO THE EXPERTS, PARTICULARLY BY PROVIDING THE STAFF AND RESOURCES FOR PERFORMING THEIR FUNCTIONS IN AN EFFECTIVE AND EXPEDITIOUS MANNER;

10. DECIDES TO CONSIDER THIS QUESTION AT ITS THIRTY-SEVENTH SESSION. END TEXT.

THE FOLLOWING ARE PROPOSED TALKING POINTS FOR USE DEMARCHES WITH COSTA RICA, PANAMA, PHILIPPINES, PAKISTAN AND EGYPT ON DISAPPEARED PROCEDURE, REPORTED ABOVE. IN MAKING PRESENTATIONS, OUR EMBASSIES SHOULD NOTE THAT WE ARE WORKING ON THIS ISSUE JOINTLY WITH OTHER MEMBERS OF HRC'S WESTERN GROUP.

A) DISAPPEARANCES WITH GOVERNMENT COMPLICITY IS ONE OF THE MOST SERIOUS AND ABHORRENT HUMAN RIGHTS PRACTICES CONFRONTING THE WORLD TODAY, NECESSITATING ACTION BY THE INTERNATIONAL COMMUNITY. DISAPPEARANCES INVOLVE THE ABDUCTION BY FORCE OF INDIVIDUALS, GENERALLY INVOLVE THEIR TORTURE, AND OFTEN RESULT IN THEIR DEATH. IT IS A FLAGRANT VIOLATION OF THE RULE OF LAW AND OF THE HUMAN RIGHTS PROVISIONS SET FORTH IN INTERNATIONAL HUMAN RIGHTS DECLARATIONS AND TREATIES. THE PROBLEM IS WORLDWIDE, NOT CONFINED TO ANY ONE REGION. THE PROBLEM MUST BE ADDRESSED TO HELP STOP THE PRACTICE, TO PREVENT ITS

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INFO OCT-01 AF-10 ARA-11 EA-10 EUR-12 NEA-06 ADS-00
HA-05 SR-04 CIAE-00 DODE-00 NSAE-00 NSCE-00
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FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2309

INFO AMEMBASSY BUENOS AIRES IMMEDIATE

SECTION 03 OF 03 GENEVA 02871

FOR MAYNES, DERIAN, BOWLER; PASS TO NSC - BLOOMFIELD

SPREAD, AND TO PROVIDE A WAY TO ENCOURAGE GOVERNMENTS TO
SEARCH FOR THOSE PERSONS REPORTED TO HAVE DISAPPEARED.

B) THE COMMISSION ON HUMAN RIGHTS, CURRENTLY MEET-
ING IN GENEVA, HAS A CLEAR MANDATE FROM THE UNITED NATIONS
GENERAL ASSEMBLY AND THE ECONOMIC AND SOCIAL COUNCIL TO
CREATE AN EFFECTIVE PROCEDURE TO DEAL WITH THE PROBLEM
OF MISSING AND DISAPPEARED PERSONS.

C) THE GENERAL ASSEMBLY IN A RESOLUTION ADOPTED BY
CONSENSUS IN DECEMBER 1978 EXPRESSED ITS DEEP CONCERN
OVER "REPORTS FROM VARIOUS PARTS OF THE WORLD RELATING TO
ENFORCED OR INVOLUNTARY DISAPPEARANCES OF PERSONS AS A
RESULT OF EXCESSES ON THE PART OF LAW ENFORCEMENT OR
SECURITY AUTHORITIES OR SIMILAR ORGANIZATIONS, OFTEN
WHILE SUCH PERSONS ARE SUBJECT TO DETENTION OR IMPRISON-
MENT, AS WELL AS OF UNLAWFUL ACTIONS OR WIDESPREAD
VIOLENCE." THE GA RESOLUTION ALSO EXPRESSED CONCERN AT
REPORTS OF DIFFICULTIES IN OBTAINING RELIABLE INFORMATION
FROM COMPETENT AUTHORITIES AS TO THE CIRCUMSTANCE OF SUCH
PERSONS, AS A RESULT OF WHICH SUCH PERSONS WERE IN DANGER
OF LIFE, LIBERTY AND PHYSICAL SECURITY. IT CALLED UPON
GOVERNMENTS TO SEARCH FOR SUCH PERSONS, TO ENSURE THAT
LAW ENFORCEMENT AND OTHER AUTHORITIES ARE FULLY ACCOUNT-
ABLE, AND TO COOPERATE WITH THE UN IN A COMMON EFFORT
TO SEARCH FOR SUCH PERSONS. THE RESOLUTION REQUESTED THE
COMMISSION ON HUMAN RIGHTS TO CONSIDER THE QUESTION AND
MAKE APPROPRIATE RECOMMENDATIONS.

D) THE USG STRONGLY SUPPORTS THE ESTABLISHMENT BY
THE HUMAN RIGHTS COMMISSION OF EFFECTIVE MACHINERY TO
DEAL WITH THE QUESTION ON A UNIVERSAL BASIS.

E) THE RESOLUTION (REPORTED ABOVE) ESTABLISHES A
COMMITTEE OF EXPERTS TO DEAL WITH THE PROBLEM ON A UNIVER-
SAL BASIS. THE RESOLUTION DOES NOT NAME ANY COUN-
TRIES, EMPHASIZING THAT THE PROBLEM IS UNIVERSAL AND
MUST BE SO TREATED. THE EXPERT COMMITTEE IS CHARGED WITH
COLLECTING INFORMATION AND DEALING DIRECTLY WITH GOVERN-
MENTS TO ENSURE IMPLEMENTATION OF THE GENERAL ASSEMBLY
RESOLUTION.

F) WE CONSIDER THIS TEXT TO ESTABLISH AN EFFECTIVE
PROCEDURE. THE PROBLEM IS TOO URGENT TO ACCEPT A DELAY
IN THE ESTABLISHMENT OF A PROCEDURE OR TO ADOPT A WEAK
ONE. IF NO EFFECTIVE PROCEDURE IS ADOPTED ON A UNIVERSAL
BASIS, THEN INDIVIDUAL COUNTRIES WILL PROBABLY BE TREATED
BY SEPARATE RESOLUTIONS, WHICH WE WOULD PREFER TO AVOID.
THERE IS ALREADY A SPECIAL EXPERT WHO DEALS WITH THE
PROBLEM OF DISAPPEARED IN CHILE. THIS EXPERT WILL NO
LONGER BE NEEDED NOR WILL ADDITIONAL SUCH EXPERTS IF A
GENERAL PROCEDURE IS ESTABLISHED.

G) THE EXPERT DEALING WITH CHILE IS AUTHORIZED TO

COLLECT INFORMATION AND TO REPORT TO THE COMMISSION. THE
PROCEDURE ADOPTED BY THE WESTERN GROUP IS NOT STRONGER
THAN THE ONE IN EFFECT FOR CHILE, A COUNTRY WHERE THE
PROBLEM IS NOT AS SEVERE AS IT IS IN OTHER COUNTRIES.

H) MORE GENERALLY, THERE NOW IS AN OPPORTUNITY TO
RESPOND IN A MEASURED FASHION TO AN EGREGIOUS HUMAN RIGHTS
ABUSE. THE EFFORT HAS THE SUPPORT OF WESTERN GOVERNMENTS.

I) IN THE PRESS AND IN THE NON-GOVERNMENTAL
COMMUNITY WORLDWIDE, THERE IS INTENSE AND WIDESPREAD
INTEREST IN THE PROBLEM OF DISAPPEARED. THE EXPECTATION
OF NGO'S, OF FAMILIES OF DISAPPEARED, MANY OF WHOM ARE
PRESENT AT THE HRC MEETING, IS FOR THE HRC TO ESTABLISH
AN EFFECTIVE MECHANISM.

J) WE URGE THE HOST GOVERNMENT TO BE RESPONSIVE
TO THE PROBLEM AND TO THE EXPECTATIONS OF THE FAMILIES
AND INDIVIDUALS INVOLVED AND INSTRUCT ITS REPRESENTATIVES
AT THE HRC TO SUPPORT THE ABOVE MENTIONED RESOLUTION
ESTABLISHING AN EFFECTIVE PROCEDURE TO DEAL WITH DIS-
APPEARED ON A WORLDWIDE BASIS. HELMAN

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